

# PROPOSED SUNDAY LAW

Rep. E. W. Quinn of the Fourth District, introducer of the new Sunday law bill in the House, makes the following statement in support of the same:

The bill now before the House amends only Section 3190 and 3191 of our copies of the Revised Statutes of Hawaii, adopted by us, which were Sections 1 and 2 of Act 53, of the Laws of 1886. The amendments proposed are not in any sense of the word radical, for much of the law as it now stands has been practically a dead letter for years until given life again with certain official changes which recently took place in these islands.

We had, until recently, what is commonly called a "common sense Sunday," a Sunday similar to that found in most of the Western States and in the greater portion of the Union. Until recently, we could buy a cigar or a glass of soda at any time during the day. We could get shaved at any time during the morning and we did not realize how foolish and absurd our Sunday law was until it was enforced.

The easiest way to secure the repeal or amendment of a harsh law is to enforce it. This has been done and we have realized the full measure of its strictness and it is fitting and proper that it now be amended so as to conform to common sense ideas.

Section 1 of this bill amends Section 3190 of the Revised Statutes, as follows: No change is made in the present law down to the word "provided," in line 8. The amended section proposed in this bill then provides that there shall be no restriction on such public conveniences as telegraph, telephone, electric light, gas, steamship and railroad companies, no restriction on the business of hackmen, or the operating of shore boats.

I might say, in this connection, that so far as this amendment goes there is no restriction enforced against this class of public conveniences today, and so far as this bill goes it does not alter the present condition of affairs; but by inserting just what are considered public conveniences it does away with any discretion or preference of the official, and makes it more satisfactory for all concerned.

This bill provides also that cigar stores, ice cream parlors and soda water stands may be kept open throughout the day, and in this respect it allows a condition similar to what existed here until very recently.

So far as hotels, restaurants and drug stores are concerned, this bill makes no change in the present law, as they are now permitted to serve the public on Sunday. It also makes no change in the present law in regard to the selling and delivery of fresh meat and fresh fish, but adds to that provision the selling and delivery of fresh fruit and fresh vegetables. This amendment permits these perishable goods to be sold until 9 o'clock in the morning.

Instead of restricting the sale and delivery of milk to that portion of the day before 9 o'clock in the morning and after 3 o'clock in the afternoon, it provides that it may be sold and delivered throughout the entire day. This amendment allows barber shops to be kept open until 11 o'clock in the morning, instead of only until 9 as at present. In this matter I have personally interviewed many of the local barbers and they were unanimous in requesting that they be permitted to keep their shops open until 11 in the morning, and stated that unless this was done they would prefer to close for the entire day, as they are doing at present. The bill provides that slaughter houses shall not be restricted as to working hours and it puts no restriction on farmers, graziers and ranchmen. If I am not mistaken, this Section does not change present conditions.

So that there shall be no interference with Inter-State or foreign commerce, the loading and unloading of vessels is permitted on Sunday, but to prevent any annoyance to the community the draying of freight from the wharves is not permitted. This bill leaves the law in regard to the transfer of personal baggage as it exists today.

The only other section of the law which it attempts to alter is Section 3191 of the Revised Statutes which was Section 2, of Act 53, Session Laws of 1886. It amends that present law by striking out all of that portion of Section 3191 that restricts absolutely the carrying on of public amusements, sports, shows and games, and it simply provides that no game, sport or show shall be so conducted as to create a common nuisance, that is, while permitting amusements and games on Sunday, it requires that they shall be carried on in such a manner as not to offend the decency, the quiet and repose of the community. This change is consistent with modern ideas of Sunday observance.

In connection with this bill I want to state that we must consider all classes of the community. The mechanic and working man, for instance, who works hard throughout the week, does not have time to take part in or attend a baseball or football game on Saturday, and he should be allowed to get his recreation and amusement in these healthy out-door sports on the single day in the week when he can find the time.

The laws should afford equal opportunities of amusement to all. The Government should encourage outdoor sports and pastimes and no community is less moral because it permits outdoor sports on Sunday. It is better to permit young men to spend their time in this manner, because if they are denied innocent amusement they will find other opportunities of pleasure and

excitement that are not so moral nor so healthful. We should also consider the tourist. With the cigar stores, soda water stands and ice cream parlors closed on Sunday, the tourists do not find these islands the Paradise we have led them to believe. I therefore respectfully ask that this bill be passed, as I believe it to be a modern, common-sense Sunday law; and further that this session of the Legislature could not perform a more beneficial duty to the masses of the people.

## HAWAII'S FIRST U. S. NAVAL OFFICER

Capt. Thomas H. Stevens, U. S. N., who has been placed on the retired list from Feb. 11, with the rank of rear admiral, was born in Honolulu, being the son of the late Rear Admiral Stevens, and was appointed to the Naval Academy in 1863. His first assignment was to the steamer Resaca of the Pacific fleet in 1868, and in the following year he was on duty on the Mohican, which went to Siberia for observation of the total eclipse of the sun. He also participated in a survey of the Isthmus of Tehuantepec. In 1873 he commanded a company of sailors during the temporary occupation of Panama for the protection of American interests. Captain Stevens was navigator of the Mayflower at the time of the Spanish-American complications in 1873. He was on the flagship Franklin on the European station from 1874 until 1876, and was on the Marion on the same station until 1877. He was the fleet signal officer of the Pacific station in 1881. From 1891 until 1893 he was on the Ranger, on duty in Bering Sea, and was on the Yorktown in Bering Sea, and the Asiatic station in 1894 and 1895. Captain Stevens was assigned to the Cincinnati on the North Atlantic and European stations in 1896 and 1897, and was on duty in Philadelphia in 1898. He commanded the gunboat Manila in 1900, and since December, 1903, he has been on duty at the Pensacola yard. He was promoted master in 1870 lieutenant in 1874, lieutenant commander in 1896, commander in 1899, and captain last year, and received the advanced rank of rear admiral upon retirement.—Army and Navy Journal.

## CAPT. BRAY SHIPS ALL THE CREWS

The movement on the part of shipping houses of this city to place the shipping of crews for vessels in their charge in the hands of Captain Bray of the Sailors' Home, has had a good effect. The crimp has taken a back seat, at least for the present. Captain Bray has secured crews for the Willcott, Dirigo and the Fopling Suez. In the case of the Dirigo, with a shortage of deep-water sailors, half of the crew was made up of Hawaiians. Captain Goodwin, however, is perfectly satisfied with Hawaiian crews, having had them on a previous voyage. All the vessels sailed from the wharves straight out to sea without having any trouble with the crews.

**Kona Plantation Decision.**  
C. J. Hutchins, trustee of Kona Sugar Co., yesterday was informed by wireless telegraph that Judge Matthewman at Kailua had decided in his favor against Kapiolani Estate, Ltd., for possession of the mill property. It was a new trial ordered by the Supreme Court, setting aside a decision for Kapiolani Estate by Judge Edging. This is the third major decision won by Mr. Hutchins in the Kona plantation matter. These decisions have the effect of knocking out \$200,000 of bonds, \$500,000 of capital stock and about \$400,000 of the company's floating debt.

## HERE'S WHAT'S WANTED.

### A Citizen of Honolulu Supplies the Information.

Over half the complaints of mankind originate with the kidneys. A slight touch of bacacache at first. Twinges and shooting pains in the loins follow. They must be checked, they lead to graver complications. The sufferer seeks relief. So-called kidney cures which do not reach the back. Plasters are tried and liniments for cure. The long looked for result seems unattainable.

If you suffer, do you want relief? Follow the plan adopted by this gentleman.

Mr. S. Hanoland, of this city, is a Custom House guard. He writes: "Having been afflicted with an aching back for some time, I procured a supply of Doan's Backache Kidney Pills at Hollister & Co.'s store, and used them. The results were most satisfactory and I know that the pills are a valuable medicine for kidney complaints and especially for a lame back." Doan's Backache Kidney Pills are sold by all druggists and storekeepers at 50 cents per box (six boxes \$2.50) or will be mailed on receipt of price by the Hollister Drug Co., Ltd., Honolulu, wholesale agents for the Hawaiian Islands. Remember the name Doan's and take no substitute.

# LEGISLATURE CONTINUES TO RUSH BUSINESS

Senate and House acted very promptly yesterday on Governor Carter's message to appropriate money needed to fight the forest fires in Kona. The bill has passed first reading, and will be taken up in both branches today. And then, in despite of the fact that invitations were received to a junket and a luau, the members of both Houses settled down to hard work and got through a lot of public business very creditably. And at that many of the members went to the luau. But that was in the noon recess and so no time was lost.

The Senate had rather a short session, only one minute long in the afternoon, but the decks were cleared in that time. The House sat longer, the longest session that has yet been held, but the close saw the decks cleared there, likewise, and today is another day.

## LEGISLATURE—FOURTEENTH DAY.

### THE SENATE.

The Senate yesterday got through with a fair amount of business in a short day, beginning the morning session with the receipt of the following message from the Governor: To the Legislature of the Territory of Hawaii,

You are undoubtedly aware of the existence of a forest fire in South Kona, Hawaii, which started at the edge of a tract of Government land, and burned across the private land of Kapapuna. The latest information received is that it started a short distance above the government road, extended mauka a distance of four miles, and is going southward, already spreading over an area two miles in width. Thus it must have extended into the government land of Kipahoe, and has probably reached the upper portion of the Alika Homesteads, threatening those of Papa, in which the Buchholz estate is located.

The government forester is on the ground, bending every energy towards its control. Unless checked, the fire will spread to the upper government lands of Homomalino, and burn its way through some of the most valuable koa forests in that district.

It is not only the immediate actual loss of wealth, but the after effects on the rainfall and climatic conditions should be considered, and in this crisis, I submit for your consideration the immediate passage of an emergency bill, providing for an appropriation under the Board of Agriculture and Forestry of an item for the suppression of forest fires of \$2,000.

There is a map in this office, showing the location of the fire, which I would be very glad to have examined by any of the honorable members of the Legislature.

In this connection, let me suggest a similar item in the appropriations for the coming fiscal period.

(Signed) G. R. CARTER, Governor.

Executive Chamber, March 2, 1905. BILL FOR RELIEF.

Accompanying the message was the following bill, which was read first time by title under suspension of the rules, and will be read for the second time tomorrow. It will be hurried along to its passage as rapidly as possible under the rules: "Section 1. The sum of Two Thousand Dollars (\$2000) is hereby appropriated to be paid out of moneys in the Treasury received from current receipts of the general revenue of the Territory, for the purpose of Suppressing Forest Fires.

"Section 2. Appropriations made under this act shall be under the control of and expended by the Board of Agriculture and Forestry."

The Senate made provision, under a resolution introduced by Dickey, to have its bills printed in Hawaiian for the benefit of members of the House, and then the regular order recurred on the third reading of the Dickey expectation bill. But it went over until today.

"There isn't a full house here," said Dickey, referring to the absence of the members of the Committee on Education at the dedicatory services at the Royal School, "and it isn't fair."

### REGULAR ORDER.

Senate Bill 8, the bill to permit stay of execution on judgment, on third reading was next in order. The bill passed, Dowsett alone voting against it.

Senate Bill 39 to protect the owners of containers of beverages and medicines, was up for third reading but consideration went over, the introducer not being present.

House Bill 43, to regulate pay of laborers on public works, went to the Judiciary Committee on second reading.

Senate Bill 65, providing for the making of public reports by banks, trust companies, building and loan associations and other companies, reported from the Printing Committee. Referred to Ways and Means Committee.

Senate Bill 66, providing for the suppression of disease among animals—the animal quarantine law—reported from the Printing Committee. Referred to a Special Committee of five, one from each island, consisting of Hewitt, Kalamia, McCandless, Paris and Wilcox.

Senate Bill 6, the Park bill, was taken up on second reading, read section by section, amended as recommended by the Judiciary Committee and passed. It will come up for third reading on Monday.

Senate Bill 53, to prohibit the practice of medicine without license. Referred to Public Health Committee.

Senate Bill 54, to permit banks to establish branches without taking out separate license. Referred to the Ways and Means Committee.

Senate Bill 55, defining the property

that shall be exempted from taxation, and including church sites and burial grounds. Referred to the Ways and Means Committee.

Senate Bill 62, to amend the election law by providing that voters shall stamp "X" opposite the name of the candidate voted for. Referred to the Judiciary Committee.

Senate Bill 63, providing for masters in chancery and probate. Referred to the Judiciary Committee.

This closed the morning session, and the Senate after luncheon was in session just one minute. In that time Senate Bill 64, the new vagrancy law, was reported from the Printing Committee and referred to the Judiciary Committee.

### THE HOUSE.

The House of Representatives took off its coat, pulled on its overalls, spat on its hands (figuratively speaking, of course) and went to work yesterday in a way that did credit to itself and to the Territory. In vain the blandishments offered by the opening of the new Royal School; in vain the thought of the glances of all the pretty teachers there; in vain the "in vains" for the House did accept the invitation of the Kapiolani Maternity Hospital to luncheon. But promptly at two o'clock was the House busy again and a really excellent day's work was done.

Reports of committees and filing of resolutions occupied the major part of the morning session but the real work was done in the afternoon when the representatives refreshed like young giants by their luncheon tackled no less than nine bills in their third reading.

### THE THIRD READINGS.

Long's bill to regulate the trial of civil and criminal causes passed without objection.

Andrade's bill relating to bills of exception also passed.

There was a division on Smith's bill to provide for filing of bonds by appealing parties against whom there has been a money judgment in the cause appealed. The vote was 13 to 9 in favor of the bill, however, and it passed.

Smith's next bill was to provide for making writs of execution and other writs of circuit courts and circuit judges at chambers available in all of the circuits of the Territory. This was also opposed, Aylett characterizing the bill as "something like a squid" reaching out its arms in all directions to seize the poor man's property. Andrade warmly defended the measure, pointing out how under existing circumstances a creditor might obtain a judgment against a debtor in one circuit but if the debtor's property happened to be in another circuit the judgment was worthless. Coelho also spoke in favor of the bill.

Mahikoa wanted consideration of the bill deferred as it had not been printed in Hawaiian and he did not understand English. A motion made by him to this effect carried and the bill went over.

### NO HAWAIIAN COPIES.

Smith's bill to provide for the return of summons to and the trial of causes at terms of court pending immediately after twenty days after service was also held over until it could be also printed in Hawaiian.

Pull's bill to change the Session Laws of 1903 relating to terms of court came next. It provided for the following terms:

First Circuit, Honolulu, first Mondays of January, April and September.

Second Circuit, Waialuku, second Wednesdays of March and June; Lahaina, second Wednesday of October.

Third Circuit, Kailua, fourth Wednesdays of April and December, and in North Kohala, fourth Wednesday of July.

Fourth Circuit, Hilo, third Wednesdays of February, May August and November.

Fifth Circuit, Lihue, fourth Wednesdays of March, July and December.

After a long debate in which Rep. Fernandez strenuously opposed the cutting out of Hamakua, Long moved that the bill be amended providing for a term of court in Hamakua commencing on the third Wednesday of August, and cutting that out of the Hilo term in August. The amendment carried and the bill passed as amended.

### DIVORCE FROM LEFERS.

Pulua's bill to grant divorce to persons afflicted with leprosy came up for reading. The bill passed, only Mahikoa, Kaloapu and Fernandez voting against it.

Smith's bill to provide for a license of \$5 per annum for the purpose of hunting with firearms in Hawaii and

stating a penalty of a fine of \$5 to \$50 for hunting without such license, met with opposition by Rep. Nahikoa, as no Hawaiian copies of it had been furnished.

Holstein moved its indefinite postponement.

Lewis moved to strike out the clause giving the Treasurer discretionary power to refuse licenses to persons who had violated the laws relating to game protection.

The motion to indefinitely postpone was lost and the amendment of Lewis was adopted. Final consideration of the bill as amended was postponed for a day.

### JUST TO ENCOURAGE.

Coelho's bill to encourage diversified industries by exempting from taxation for five years all real and personal property actually in use for the production of tobacco, rubber, Manila hemp, black wattle, chocolate and cacao passed without opposition.

The Speaker appointed Coelho, Harris, Shipman, Sheldon and Broad as a special committee to investigate and report on the different institutions known as Maturity, Endowment, Home Purchasing, Building and Loan Societies in the Territory. This is in accordance with a resolution of Coelho.

The Finance Committee in answer to Governor Carter's message, reported in favor of the immediate passage of an act to appropriate \$2000 to be applied in fighting the Kona forest fire. The bill was read a first time by title and was tabled pending the arrival of a similar bill from the Senate.

### SHOW THE FLAG.

A report of the Military Committee was submitted by Chairman Aylett recommending the passage of the bill to promote the display of the United States flag on the ground that the object of the bill is to promote the spirit of patriotism among the school children of the Territory and the general public.

The Judiciary Committee reported on five bills, as follows:

To prohibit Board of Health or health officers from condemning for destroying any property without compensation (Kanoho). Recommended indefinitely postponed as the act would tie the hands of the health officers and endanger public health in case of any epidemic.

To re-enact chapter 56 of the Penal Laws of the Territory (Kanoho). Recommended indefinitely postponed, there being a question as to whether the act could ever be enforced.

For the protection of employees as voters (Kanoho). Recommended indefinitely postponed, as it could not be enforced.

Act in relation to attorneys at law (Kanoho). Recommended indefinitely postponed, as its passage would result in the admission to practice a great many persons without any legal training whatever.

Act relating to costs of courts (Andrade). Recommended passed as amended in minor particulars.

### AFTER THE MILITIA.

Representative Fernandez asked that his resolution introduced yesterday for the purpose of having a select committee investigate the military, be reconsidered. He wished to have the investigation made by the Military Committee of the House instead of by a select committee, and the request was granted.

The Finance Committee also recommended the indefinite postponement of Kanoho's bill to repeal the sections of the civil laws relating to poll tax, road tax and school tax.

The Committee on Public Lands and Internal Improvements reported on the following bills: For \$650 for equipment of a new horse company near Nuananu and Judd streets (Waterhouse). Recommended passed.

For \$22,000 for equipping a chemical and horse wagon at Kailui, near Gulick road (Mahelona). Recommended passed.

For \$24,000 for completing the filling, macadamizing and oiling of the Waikiki road to the end of Kapiolani park (Andrade). Recommended that \$10,000 be appropriated.

For \$175 for widening and cutting lantana on the Uluapalua public school road (Coelho). Recommended passed.

For \$20,000, road at Kihel (Coelho). \$10,000 recommended.

For \$175 cutting lantana on Keekoolo road, Waialuku (Coelho). Recommended.

For an appropriation to provide a caretaker at the Makena wharf (Coelho). Recommended.

For \$3000, beach road from Honouapo to Punaluu, Kau (Pulua). Recommended as there is no traffic there.

For \$10,000 for repairing Waimea, Kohala overland road and \$3000 for survey of Hawi-Kawaihae road (Holstein). Recommended.

For \$2200 for a concrete culvert for Kihua stream, Waianae (Mahelona). Recommended.

For \$500 for the housing of the new horse company at Nuananu and Judd streets (Mahelona). Recommended that the item pass, but that the location be near Wylie and Liliha streets.

For \$22,000 for chemical engine, horse wagon and equipment at Waikiki (Quinn). Recommended.

The House rose at 4:45 p. m. (Continued on Page 5.)

### NOTHING EQUAL TO CHAMBERLAIN'S COLIC, CHOLERA AND DIARRHOEA REMEDY FOR BOWEL COMPLAINTS IN CHILDREN.

"We have used Chamberlain's Colic, Cholera and Diarrhoea Remedy in our family for years," says Mrs. J. B. Cooke, of Nederland, Texas, U. S. A. "We have given it to all of our children. We have used other medicines for the same purpose, but never found anything to equal Chamberlain's. If you will use it as directed it will always cure." For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

C. A. Galbraith has returned from Waialuku, where he conducted the taking of depositions for C. P. Iauke, contestant of the Delegate's election.

# THE AFRICAN COMING OUT

And now the African in the County Bill comes a little more prominently into the high light. Indeed, it may yet be that the coon will be altogether uncovered before the joint committee of the two houses of the Legislature gets the fence entirely torn down.

"Mr. Stewart did not consult me about any changes in the County Act, yesterday nor at any time subsequent to the handing of the bill to the Governor," said Chairman Cooper of the County Act Commission yesterday.

"After the bill went to the Governor, I did not understand that anybody had any right to make any changes in it. Before we submitted our final draft to the Governor, Mr. Stewart and myself were authorized to make some changes in the interest of uniformity, but when we did submit the final draft, it passed out of our hands.

"Mr. Stewart did consult with me in reference to a financial bill which it was intended to prepare."

And that raises the direct question of veracity between the two County Act Commissioners. Stewart said at the committee meeting on Thursday night, in answer to a question by Committeeman Carl Smith of Hilo, that he had changed the County Bill after it had passed through the hands of the Governor—and of the two Houses of the Legislature, for that matter, who gave it to their joint committee—and he said that he had consulted with Mr. Cooper in reference to the changes made in "a general way," adding that he "would see him again tomorrow"—that is, on Friday.

Mr. Cooper says, distinctly, that he was not consulted with reference to any changes in the County Act subsequently to the time that the completed draft was signed and given to the Governor, either on Thursday or at any other time. And so a bill that has been submitted to the Governor and is in process of consideration by the duly elected lawmakers of the Territory has been permitted to be tampered with by an outsider.

"Did you ever see anything to beat that," said Senator Dowsett, himself a member of the County Act Joint Committee, when spoken to about the admission made before the committee meeting by the Commissioner. "I discovered, in looking over the county financial bill introduced in the Senate by Senator Achi, that it did not accord with the county bill as it came from the commission. And when the question came up in the committee meeting Thursday night, Stewart was forced to admit that he made the change."

"The Commission's County bill contains no provision whatever for raising revenue."

The change that was made in the county bill by the Commissioner and read to the committee by Chairman Holstein, who had the type-written copy while the committee-men, following him on their printed copies, were puzzled at the reading, was very material. The section as reported to the Legislature by the County Act Commission is as follows:

"Sec. 113. The Tax Assessor and Tax Collector shall, within the County for which he shall have been elected, perform such duties as are required to be performed by the Assessors and Collectors under the laws of the Territory and by this Act; and such other duties as are required by this Act."

As amended it reads as follows (after the word "elected" read): "Assess and collect all taxes under any law relating to taxation which may be hereafter passed by the Legislature."

It was said by the Commissioner who admitted that he made the change, that this referred to Senate Bill 52, which was drawn by Senator Achi and the Commissioner. Senate Bill 52 is a most elaborate measure, filled with figures, and almost as large as a good sized book. It is a bill that could not have been drawn in time much short of a month, and must, therefore, have been in course of preparation, it would seem, while the County Act was being prepared. And yet no mention was made of this financial bill, so far as anybody has yet been able to find out, until it was introduced in the Senate on Thursday—and on Thursday night the discovery was made that the County Act, after it had been introduced and printed and referred to the committee, had been changed. It would be interesting to know, if it were essential that the two measures should conform, why the County Commissioners were all not taken into confidence with reference to the financial bill, and why the two were not made to conform before the County Act passed out of the hands of the Commission and into the hands of the duly elected representatives of the people?

The County Act, when it was introduced into the Legislature, became a public document—at all stages a part of the public record. Only certain persons are authorized by law to change public records, and the changes must be made in the duly legal manner.

The county act Joint Committee did not meet yesterday, as had been the intention, the members from the two Houses being too much occupied with other matters. The committee will probably hold a meeting this afternoon.

## ABUNDANT SHOWERS IN HILO DISTRICT

(Special Wireless Telegraph.) To Bishop & Co., Honolulu: Heavy and continuous rains at Oloa and Hilo. Seven inches of rain at the watershed. Oloa Mill resumes grinding on Monday morning. WATT.